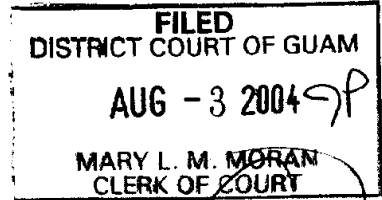


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VANDEVELD SHIMIZU CANTO & FISHER

Attorneys At Law
Suite 101, Dela Corte Bldg.
167 East Marine Corps Drive
Hagåtña, Guam 96910
Office: (671) 472-1131
Facsimile: (671) 472-2886



Attorney for Petitioner/Intervenor:
CHRISTINA MARIE SANTOS NAPUTI

IN THE UNITED STATES DISTRICT COURT
DISTRICT COURT OF GUAM

JULIE BABAUTA SANTOS,)	Civil Case No. CIV.04-00006
Individually and on behalf of all those)	
similarly situated,)	
)	
Petitioner,)	
)	DECLARATION OF
vs.)	PETITIONER/ INTERVENOR
)	CHRISTINA M.S. NAPUTI
FELIX CAMACHO, Governor of Guam,)	
ART ILAGAN, Director of Department)	
of Revenue and Taxation, LOURDES M.)	
PEREZ, Director of Department of)	
Administration, and GOVERNMENT OF)	
GUAM,)	<i>Class Action</i>
)	
Respondents,)	
)	
CHRISTINA M. S. NAPUTI,)	
)	
Petitioner/Intervenor.)	

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Santos, et al. v. Governor Camacho, et al., CHRISTINA M. S. NAPUTI, Petitioner/Intervenor  
DECLARATION OF PETITIONER/INTERVENOR CHRISTINA M.S. NAPUTI

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\* \* \* DECLARATION \* \* \*

I, CHRISTINA M.S. NAPUTI, Petitioner for Intervention, hereby declare and state under penalty of perjury of the laws of Guam, pursuant to 6 G.C.A. §4308, that the following is true and correct to the best of my knowledge and belief:

1. This sworn declaration qualifies in place of an affidavit pursuant to 6 G.C.A. §4308, and is prepared to pursuant to the requirements of 28 U.S.C. §144, Bias or prejudice of judge;

2. I am informed and believe that the spouse of the Magistrate Judge Joaquin V. E. Manibusan is Eileen Bordallo Manibusan and that she is related to Attorney Michael F. Phillips and Attorney Ricardo Bordallo, counsel for JULIE BABAUTA SANTOS. I am unaware of the degree of kinship of the relationship between the Magistrate Judge and each of the attorneys for plaintiff, but I believe that the familial relationship raises a question of the Magistrate Judge's impartiality particularly in combination with the other facts stated herein;

3. I filed a petition for intervention and alleged that counsel for plaintiff inadequately represented the class of the persons involved in this action. I asserted that counsel Michael F. Phillips and his firm should be disqualified from representing the class due to Attorney Phillips having negotiated a

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Santos, et al. v. Governor Camacho, et al., CHRISTINA M. S. NAPUTI, Petitioner/Intervenor
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1 settlement against the best interests of the class which I believe is in part due to
2 his having a professional Attorney-Client relationship with the Acting Governor
3 Kaleo Moylan as his counsel in a dispute between Acting Governor Moylan and
4 Governor Felix Camacho. I further alleged various deficiencies existing in the
5 settlement reached on class members' behalf, including the lack of notice
6 reasonably calculated to reach all class members and failure to certify the class.
7
8 The court by Magistrate Manibusan has delayed in deciding my right to
9 intervene in this matter, despite my request that the matter be referred to a Judge
10 appointed pursuant to United States Constitution, Article III, but has proceeded
11 to make orders in the matter designed attempt to cure the defects of the previous
12 orders that he has made in this case at the request of Attorney Michael F.
13 Phillips;

14
15
16 4. I am informed and believe that the decision on might right to
17 intervene pursuant to Federal Rules of Civil Procedure, Rule 24(a), is a final
18 order that is immediately appealable. I am further informed by my attorneys that
19 such an order is not appropriate for decision by a Magistrate Judge under
20 Federal Rules of Civil Procedure, Rules 72 and 73, and that despite my request
21 that an Article III judge be assigned to hear and determine this matter, Judge
22 Manibusan persists in hearing this matter;

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25 ~~~~~
Santos, et al. v. Governor Camacho, et al., CHRISTINA M. S. NAPUTI, Petitioner/Intervenor
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1 5. I am informed that there is a vacancy in the position of District
2 Judge for the District Court of Guam. I am further informed that the person who
3 recommends to the President of the United States, the names of persons for
4 nomination as the Judge of the District Court of Guam, is the Governor of
5 Guam, an interested party before this court. I am further informed that the
6 names of persons previously nominated by the Governor have not received
7 approval and new names may be submitted. I further am informed and believe
8 that Magistrate Judge Joaquin V.E. Manibusan, Jr., is a person interested in
9 filling that vacancy. I believe that these circumstances raise a very serious
10 question whether any person, let alone Magistrate Judge Manibusan, who may
11 not now occupy a position as an United States Constitution, Article III judge and
12 sits as a judge or justice within Guam, could preside over this matter without
13 raising a serious reason to question their impartiality based on the possibility
14 that they would try to curry favor from the Governor by giving him the
15 gratuitously beneficial settlement that has been tentatively reached in this case
16 due to the difficult financial circumstances in which Guam's government finds
17 itself, in order to receive nomination to the court;
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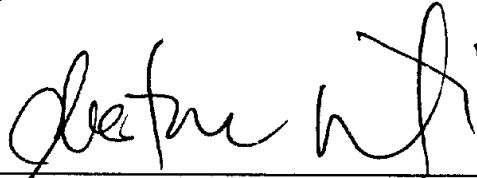
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1 FURTHER YOUR DECLARANT SAYETH NAUGHT this Tuesday,
2 August 03, 2004, at Hagåtña, Guam.

3
4
5 

6 CHRISTINA M.S. NAPUTI

7 **CERTIFICATE OF SERVICE**

8 I, CURTIS C. VAN DE VELD, certify that I caused a copy of the foregoing
9 document here filed, to be served on counsel for the parties on August 3, 2004, via hand
10 delivery at the following address:

11 Counsel For Petitioner

12 Michael F. Phillips, Esq.
13 Phillips & Bordallo, P.C.
14 410 West O'Brien Drive
Hagåtña, Guam 96910

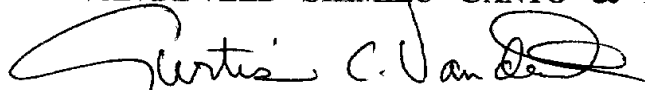
15 Ignacio C. Aguigui, Esq.
16 Aguigui, Lujan & Perez
17 Suite 300, Pacific News Building
18 238 Archbishop Flores Street
Hagåtña, Guam 96910

Counsel for Repondents

Douglas B. Moylan, Esq.
Office of the Attorney General of Guam
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

19 Respectfully submitted: this 03 AUGUST 04.

20 VAN DE VELD SHIMIZU CANTO & FISHER

21 

22 Curtis C. Van de veld, Esq.
23 Attorneys for Petitioner/Intervenor

24 CCV:ccv
VSCF/EITC Clients/CV00153

25 ~~~~~
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